

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

NOTICE OF MOTION AND MOTION
21-MJ-1158

RICHARD SCHERER

Defendant.

PLEASE TAKE NOTICE, that the undersigned DOMINIC SARACENO, ESQ., attorney for the defendant, RICHARD SCHERER, based upon the following affirmation hereby moves for a 60 day adjournment of the March 1, 2022 48b date.

AFFIRMATION

1. I am an attorney at law duly licensed to practice in the State of New York and in the Western District of New York with offices located at 534 Delaware Avenue, Buffalo, New York 14202.

2. This affirmation is offered in support of counsel's request for an adjournment of the above referenced 48b date.

3. The Court previously entered a 48b date of March 1, 2022.

4. I understand the Court does not adjourn Rule 48(b) dates for plea negotiations, and I am not requesting an adjournment for that purpose.

5. The Government and the Defense have discussed a favorable plea for Mr. Scherer, however, prior to moving forward I need additional time to review computer forensic materials.

6. More specifically, I previously met with the government to review discovery in this case. Recently, however the government discovered a few additional images that they believe incriminate my client. I have an appointment February 28, 2022 to review these images. After that I will need time to discuss the findings with my client.

7. I expect this review will take approximately 30 to 60 days, at which time we will be in a position to move forward with the proposed plea, or for the Government to indict the case.

8. The defense counsel is making this motion on behalf of Richard Scherer.

9. Assistant United States Attorney AARON MANGO has consented to adjourning the 48b date.

10. The defendant agrees that the additional time allowed is excludable under the Speedy Trial Act.

WHEREFORE, for the reasons set forth above, defendant, RICHARD SCHERER, respectfully requests an Order from this Court granting a 60-day adjournment of the 48b date.

s/ Dominic Saraceno, Esq.

DOMINIC SARACENO, ESQ.
534 Delaware Avenue
Buffalo, New York 14202
(716) 626-7007 (t)
(800)-305-5836 (f)
saracenolaw@gmail.com

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CERTIFICATE OF SERVICE

21-MJ-1158

I hereby certify that on February 16, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following EM/EF Participant on this case:

AARON MANGO, AUSA
138 Delaware Avenue
Buffalo, New York 14202

s/Dominic Saraceno

DOMINIC SARACENO